

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

<b>HOWARD B. ODOM,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 2:08CV480</b>
	)	
<b>INTERNATIONAL PAPER COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, Defendant International Paper Company, by counsel, hereby moves this Court to enter summary judgment in its favor on both counts of the Complaint. The grounds for its motion, which are set forth more fully in the attached memorandum of law, are that there exists no genuine issue as to any material fact and that International Paper Company is entitled to judgment as a matter of law.

WHEREFORE, Defendant International Paper Company respectfully requests that its Motion for Summary Judgment be granted and that this action be dismissed in its entirety, with prejudice. It further requests that it be awarded its costs and attorneys’ fees incurred in this action.

Respectfully submitted,

INTERNATIONAL PAPER COMPANY

By: \_\_\_/ s /\_\_\_\_\_

Lynn F. Jacob  
Virginia State Bar No. 21749  
Counsel for Defendant, James E. Tylke, M.D.  
WILLIAMS MULLEN, P.C.  
P.O. Box 1320  
Richmond, Virginia 23218-1320  
Telephone: (804) 783-6427  
Facsimile: (804) 783-6507  
ljacob@williamsmullen.com

Matthew S. Sheldon  
Virginia State Bar No. 73734  
Local Counsel for Defendant  
WILLIAMS MULLEN, P.C.  
222 Central Park Avenue, Suite 1700  
Virginia Beach, Virginia 23462-3035  
Telephone: (757) 473-5398  
Facsimile: (757) 473-0395  
msheldon@williamsmullen.com

Jessica A. Neal (admitted *pro hac vice*)  
Tennessee Bar No. 023328  
Counsel for Defendant  
INTERNATIONAL PAPER COMPANY  
6400 Poplar Avenue  
Memphis, TN 38917  
Telephone: (901) 419-6891  
Facsimile: (901) 214-2677  
jessica.neal@ipaper.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of July, 2009, I will electronically file the foregoing Motion for Summary Judgment and supporting memorandum with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF), and will also cause this motion and supporting memorandum to be served via hand delivery, to the following:

Carolyn P. Carpenter  
Virginia Bar No. 22982  
Carolyn P. Carpenter, P.L.C.  
Counsel for Plaintiff  
P.O. Box 25602  
Richmond, VA 23260  
(804) 233-8088  
(804) 233-8099 - Facsimile  
ccarpenterlaw@comcast.net

By: \_\_\_\_/ s /\_\_\_\_\_  
Lynn F. Jacob  
Virginia State Bar No. 21749  
Local Counsel for Defendant  
WILLIAMS MULLEN, P.C.  
P.O. Box 1320  
Richmond, Virginia 23218-1320  
Telephone: (804) 783-6427  
Facsimile: (804) 783-6507  
ljacob@williamsmullen.com